

Remarks/Arguments:

Applicants have amended the claims deleting claim 9 and replacing it with new claim 19. Original claim 9 did not properly depend from claim 1 based on the definition of R⁶. Applicants have deleted claim 9 and added new independent claim 19 which substitutes the definitions of R⁶ and m from original claim 9 for the definitions in original claim 1. Support for the new claim can be found in original claims 1 and 9 and in the specification, e.g. page 25, lines 15 – 18, page 42, line 21 and page 43, lines 15-20 and Examples 15 and 59. Claim 15 has been amended so that it complies better with US practice. It is respectfully submitted no new matter has been added by the present amendment.

The Examiner has required restriction to one of the following inventions under 35 U.S.C.121 and 372.

- I. Claims 1-11, drawn to a compound of Formula I and compositions.
- II. Claims 15-16, drawn to methods of making the invention of Group I.
- III. Claims 17-18 drawn to methods of using the invention of Group I.

Applicants believe new claim 19 would fall within Group I, above.

Applicants hereby elect Group I: Claims 1-11 (now claims 1-8, 10, 11 and 19), drawn to a compound of Formula I and compositions. The applicants provisionally elect the compound of Example 22, i.e. N-{3-[(2-aminopyrimidin-5-yl)ethynyl]phenyl}-N'-(5-tert-butylisoxazol-3-yl)urea, (R¹, R², R³ and R⁴ are each hydrogen; A is phenyl; n is 0; L is -N(R⁸)C(O)N(R⁹); R⁸ and R⁹ are each hydrogen; B is oxazolyl; m is 1 and R⁶ is t-butyl. Claims 1-2, 4-8, 10, 11 and 19 read on the elected species.

Applicants note that when product claims are found allowable, process claims that depend from or otherwise require all the limitations of the allowable product claims will be considered for rejoinder.

The above amendments have been made without prejudice to Applicants right to prosecute any cancelled subject matter in a timely filed continuation application.

Applicants believe the application is in condition for allowance, which action is respectfully requested.

Application No. 10/596,745
Amendment Dated 08/19/2008
Reply to Office Action of 07/21/2008

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 101319-1P US.

Respectfully submitted,
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